

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION  
OF THE STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION  
OF THE  
PALOMAR ENERGY PROJECT  
BY SEMPRA ENERGY RESOURCES**

**DOCKET No. 01-AFC-24**  
DATA ADEQUATE  
FEBRUARY 6, 2002

**COMMISSION ADOPTION ORDER**

This Commission Order adopts the Commission Decision on the Palomar Energy Project. It incorporates the Presiding Member's Proposed Decision (PMPD) in the above-captioned matter and the Committee Errata issued August 6, 2003. The Commission Decision is based upon the evidentiary record of these proceedings (Docket No. 01-AFC-24) and considers the comments received at the August 6, 2003, business meeting. The text of the attached Commission Decision contains a summary of the proceedings, the evidence presented, and the rationale for the findings reached and Conditions imposed.

This ORDER adopts by reference the text, Conditions of Certification, Compliance Verifications, and Appendices contained in the Commission Decision. It also adopts specific requirements contained in the Commission Decision which ensure that the proposed facility will be designed, sited, and operated in a manner to protect environmental quality, to assure public health and safety, and to operate in a safe and reliable manner.

**FINDINGS**

The Commission hereby adopts the following findings in addition to those contained in the accompanying text:

1. The Palomar Energy Project is sponsored by Palomar Energy, LLC, a wholly owned subsidiary of Semptra Energy Resources to supply electricity in Southern California.
2. The Conditions of Certification contained in the accompanying text, if implemented by the project owner, ensure that the project will be designed, sited, and operated in conformity with applicable local, regional, state, and federal laws, ordinances, regulations, and standards, including applicable public health and safety standards, and air and water quality standards.
3. Implementation of the Conditions of Certification contained in the accompanying text will ensure protection of environmental quality and assure reasonably safe and reliable operation of the facility. The Conditions of Certification also assure

that the project will neither result in, nor contribute substantially to, any significant direct, indirect, or cumulative adverse environmental impacts.

4. Existing governmental land use restrictions are sufficient to adequately control population density in the area surrounding the facility and may be reasonably expected to ensure public health and safety.
5. The evidence of record establishes that no feasible alternatives to the project, as described during these proceedings, exist which would reduce or eliminate any significant environmental impacts of the mitigated project.
6. The evidence of the record does not establish the existence of any environmentally superior alternative site.
7. The Decision contains a discussion of the public benefits of the project as required by Public Resources Code section 25523(h).
8. The Decision contains measures to ensure that the planned, temporary, or unexpected closure of the project will occur in conformance with applicable laws, ordinances, regulations, and standards.
9. The proceedings leading to this Decision have been conducted in conformity with the applicable provisions of Commission regulations governing the consideration of an Application for Certification and thereby meet the requirements of Public Resources Code sections 21000 et seq. and 25500 et seq.

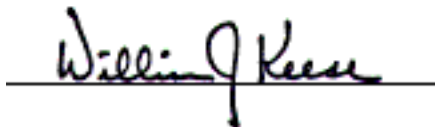
### **ORDER**

Therefore, the Commission ORDERS the following:

1. The Application for Certification of the Palomar Energy Project as described in this Decision, is hereby approved and a certificate to construct and operate the project is hereby granted.
2. The approval of the Application for Certification is subject to the timely performance of the Conditions of Certification and Compliance Verifications enumerated in the accompanying text and Appendices. The Conditions and Compliance Verifications are integrated with this Decision and are not severable therefrom. While the project owner may delegate the performance of a Condition or Verification, the duty to ensure adequate performance of a Condition or Verification may not be delegated.
3. This Decision is adopted on August 6, 2003, consistent with Public Resources Code section 25530 and California Code of Regulations, title 20, section 1720.4.

4. Any petition requesting Commission reconsideration of this Decision (or any determination by the Commission on its own motion to reconsider) shall be filed and served by September 5, 2003, which is no later than 30 days after the date of adoption. (Pub. Resources Code, § 25530.)
5. Judicial review of certification decisions is governed by Section 25531 of the Public Resources Code.
6. The Commission hereby adopts the Conditions of Certification, Compliance Verifications, and associated dispute resolution procedures as part of this Decision in order to implement the compliance monitoring program required by Public Resources Code section 25532. All conditions in this Decision take effect immediately upon adoption and apply to all construction and site preparation activities including, but not limited to, ground disturbance, site preparation, and permanent structure construction.
7. The Executive Director of the Commission shall transmit a copy of this Decision and appropriate accompanying documents as provided by Public Resources Code section 25537 and California Code of Regulations, title 20, section 1768.

Dated August 6, 2003, at Sacramento, California.



WILLIAM J. KEESE  
Chairman



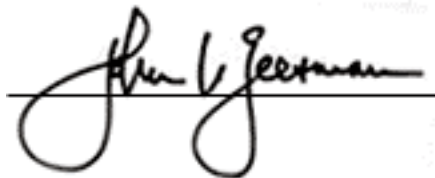
ROBERT PERNELL  
Commissioner



ARTHUR H. ROSENFELD, Ph.D.  
Commissioner

\_\_\_\_ Absent \_\_\_\_\_

JAMES D. BOYD  
Commissioner



JOHN L. GEESMAN  
Commissioner